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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

John T. Kemp

Debtor.

John T. Kemp,

Plaintiff.

v.

Countrywide Home Loans Inc.,

Defendant.

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: CHAPTER 13
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: Case No.: 08-18700
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: Adv.Pro. No.:08-2448JHW
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:PLAINTIFF'S PROPOSED FINDINGS
:OF FACT AND CONCLUSIONS
:OF LAW
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Plaintiff, John T. Kemp, by and through counsel, Levitt & Slafkes, P.C., hereby submits the following proposed findings of fact and conclusions of law:

PROPOSED FINDINGS OF FACT

1. Plaintiff is the owner of the real property located at 1316 Kings Highway, Haddon Heights, New Jersey.

2. As stipulated by the parties, on June 10, 2008, defendant Countrywide Home Loans, Inc. Servicer for Bank of New

York filed a secured proof of claim in the bankruptcy case. The claim describes the secured collateral as real estate, and sets forth an amount due of \$211,202.41, including arrears of \$40,569.69.

3. The proof of claim filed by defendant did not set forth any authority for defendant to file the proof of claim in this bankruptcy proceeding.

5. The proof of claim filed by defendant did not include any documents to support its assertion that Bank of New York as Trustee for the Certificate Holders Cwabs, Inc. Asset-backed Certificates, Series 2006-8 is a secured creditor in this bankruptcy proceeding.

6. As stipulated by the parties, on or about May 31, 2006, plaintiff executed an Interest Only Adjustable Rate Note in favor of Countrywide Home Loans, Inc.

7. As further stipulated by the parties, on or about May 31, 2006, plaintiff executed a mortgage on the real property located at 1316 Kings Highway, Haddon Heights, New Jersey to Mortgage Electronic Registration Systems, Inc., as nominee for America's Wholesale Lender.

8. As further stipulated between the parties, on March 24, 2008 an Assignment of Mortgage dated March 14, 2007 was recorded with the Camden County Clerk, pursuant to which Mortgage Electronic Registration Systems, Inc., as nominee for America's Wholesale Lender assigned the mortgage on the real property

located at 1316 Kings Highway, Haddon Heights, New Jersey to Bank of New York as Trustee for the Certificate Holders Cwabs, Inc. Asset-backed Certificates, Series 2006-8.

9. There is no endorsement on the note executed by debtor in favor of Countrywide Home Loans, Inc.

10. The purported allonge to the note submitted by plaintiff, if admitted into evidence, does not constitute a valid endorsement.

11. Bank of New York as Trustee for the Certificate Holders Cwabs, Inc. Asset-backed Certificates, Series 2006-8 is neither a holder, owner or transferee of the note which the mortgage on the real property located at 1316 Kings Highway, Haddon Heights, New Jersey secures.

PROPOSED CONCLUSIONS OF LAW

1. Defendant does not have standing to file a proof of claim in this proceeding.

2. Bank of New York as Trustee for the Certificate Holders Cwabs, Inc. Asset-backed Certificates, Series 2006-8 does not have standing to assert the rights of a secured creditor as to the real property located at 1316 Kings Highway, Haddon Heights, New Jersey.

3. Bank of New York as Trustee for the Certificate Holders Cwabs, Inc. Asset-backed Certificates, Series 2006-8 is not the real party in interest to assert the rights of the secured creditor, if any, as to the real property located at 1316 Kings

Highway, Haddon Heights, New Jersey.

4. Bank of New York as Trustee for the Certificate Holders Cwabs, Inc. Asset-backed Certificates, Series 2006-8 does not hold a valid lien on the real property located at 1316 Kings Highway, Haddon Heights, New Jersey.

5. The proof of claim filed by defendant is expunged with prejudice.

LEVITT & SLAFKES, P.C.
Attorneys for Plaintiff

By: /s/Bruce H. Levitt
Bruce H. Levitt, Esq.

Dated: August 4, 2009